

TITLE 9. HEALTH SERVICES

CHAPTER 33. DEPARTMENT OF HEALTH SERVICES - GROUP HOMES FOR INDIVIDUALS WHO ARE DEVELOPMENTALLY DISABLED

Editor's Note: 9 A.A.C. 33, consisting of Articles 1 and 2, made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

ARTICLE 1. LICENSURE REQUIREMENTS

Article 1, consisting of Sections R9-33-101 through R9-33-107, made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

Section

- R9-33-101. Definitions
- R9-33-102. Requirement for Licensure
- R9-33-103. Application and Issuance of License
- R9-33-104. License Renewal
- R9-33-105. Changes Affecting a License
- R9-33-106. Investigation of Complaints
- R9-33-107. Denial, Revocation, or Suspension of a License

ARTICLE 2. GROUP HOME REQUIREMENTS

Article 2, consisting of Sections R9-33-201 through R9-33-207, made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

Section

- R9-33-201. Emergency Procedures and Evacuation Drills
- R9-33-202. Fire Safety Requirements
- R9-33-203. Safe and Functioning Systems
- R9-33-204. Accessible and Usable Facilities
- R9-33-205. Clean and Sanitary Conditions
- R9-33-206. Vehicle Safety
- R9-33-207. Hazards and Dangers

ARTICLE 1. LICENSURE REQUIREMENTS

R9-33-101. Definitions

The following definitions apply in this Chapter unless otherwise specified:

1. "Accredited" means accredited by a nationally recognized accreditation organization.
2. "Applicant" means the following if requesting a group home license:
 - a. An individual, if a sole proprietorship;
 - b. Any two of the corporation's officers, if a corporation;
 - c. The managing partner, if a partnership or limited liability partnership; or
 - d. The designated manager, or if no manager is designated, any two members of a limited liability company, if a limited liability company.
3. "Application packet" means the forms, documents, and additional information the Department requires to be submitted by an applicant.
4. "Day" means a calendar day.
5. "Department" means the Arizona Department of Health Services.
6. "Developmental disability" means the same as defined in A.R.S. § 36-551.
7. "Division" means the Division of Developmental Disabilities in the Arizona Department of Economic Security.
8. "Documentation" means written evidence.
9. "Facility" means a building or buildings used as a group home.
10. "Group home" means a residential setting for not more than six persons with developmental disabilities that is

operated by a service provider under contract with the division and that provides, in a shared living environment, room and board and daily habilitation. Group home does not include an adult developmental home, a child developmental foster home, secure setting or an intermediate care facility for the mentally retarded.

11. "Habilitation" means the process by which an individual is assisted to acquire and maintain those life skills which enable the person to cope more effectively with the demands of his person and environment and to raise the level of his physical, mental and social efficiency.
12. "Hazard" means a condition or situation that may result in physical injury to a resident.
13. "Licensee" means the individual, partnership, or corporation approved by the Department to operate a group home.
14. "Premises" means:
 - a. A facility; and
 - b. The grounds surrounding the facility used for operating a group home that are owned, leased, or controlled by the licensee.
15. "Private residential swimming pool" means the same as defined in A.A.C. R18-5-201.
16. "Resident" means an individual who is accepted by a licensee to live at the group home.
17. "Service provider" means a person or agency that provides services to clients pursuant to a contract or service agreement with the division.
18. "Spa" means the same as defined in A.A.C. R18-5-201.
19. "Staff" or "staff member" means an employee of a group home.
20. "Supervision" means the process by which the activities of an individual with developmental disabilities are directed, influenced or monitored.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

R9-33-102. Requirement for Licensure

An applicant shall obtain a license to operate a group home from the Department before providing supervision or habilitation to an individual with a developmental disability in a group home. A license to operate a group home is valid for the:

1. Address indicated on the license,
2. Name of the licensee indicated on the license, and
3. Period of time indicated on the license.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

R9-33-103. Application and Issuance of License

A. At least 30 days before the anticipated date of opening a group home, an applicant shall submit to the Department a completed application packet that contains:

1. An application form provided by the Department that includes:
 - a. The applicant's name, address, telephone number, facsimile number, and electronic-mail address, if applicable;

Department of Health Services - Group Homes for Individuals Who are Developmentally Disabled

- b. The proposed group home's name, address, telephone number, facsimile number, and electronic mail address, if applicable;
 - c. Whether the proposed group home is accredited by a nationally recognized accreditation organization;
 - d. Whether the applicant is a current service provider or intends to become a service provider; and
 - e. The applicant's signature; and
- 2. A copy of the applicant's accreditation report issued by a nationally recognized accreditation organization, if applicable.
- B.** To ensure compliance with applicable federal and state laws, rules, or local ordinances, an applicant or licensee shall ensure that an official of the Department is allowed immediate access to the premises, a resident, record, or vehicle used to transport a resident, according to A.R.S. § 41-1009.
- C.** For Department licensure of a group home:
 - 1. The overall time-frame described in A.R.S. § 41-1072(2) is 120 days. The applicant and the Department may agree in writing to extend the overall time-frame. The substantive review time-frame may not be extended by more than 25% of the overall time-frame;
 - 2. The administrative completeness review described in A.R.S. § 41-1072(1) is 60 days and begins on the date the Department receives an application packet;
 - a. If any of the documents are missing or if information in the documents is deficient, the Department shall send to the applicant a written notice of incompleteness that states each deficiency and the information or documents needed to complete the application packet. The 60 day time-frame for the Department to finish the administrative completeness review is suspended from the date the Department provides the notice of incompleteness to the applicant until the date the Department receives the required information or missing document;
 - b. If all of the documents are submitted and the information on the documents is complete, the Department shall provide a written notice of administrative completeness to the applicant. The notice shall include the date and time of the Department's inspection of the group home;
 - c. If the missing or deficient documents or information are not submitted within 120 days from the date of notice of incompleteness, the Department shall consider the application withdrawn;
 - d. If the Department grants a license during the time provided to assess administrative completeness, the Department shall not issue a separate notice of administrative completeness;
 - 3. The substantive review time-frame described in A.R.S. § 41-1072(3) is 60 days and begins on the date the Department provides written notice of administrative completeness to the applicant;
 - a. As part of the substantive review, the Department shall conduct an onsite inspection of the group home;
 - b. During the substantive review time-frame, the Department may make one comprehensive written request for additional information or documents;
 - c. The time-frame for the Department to complete the substantive review is suspended from the postmark date of the comprehensive written request until the Department receives the additional information or documents;
 - d. The applicant shall submit to the Department the information or documents identified in the comprehensive written request within 30 days of receipt of the comprehensive written request;
 - e. If an applicant meets the requirements of this Section and Chapter, the Department shall issue to the applicant:
 - i. A two-year regular license to operate a group home; or
 - ii. If the applicant is accredited, a regular license to operate a group home for the duration of the accreditation period, not to exceed three years;
 - f. The Department shall provide the applicant with a written notice of denial if:
 - i. The applicant does not submit the additional information or documents within the time-frame in subsection (C)(3)(d); or
 - ii. Upon receipt of the additional information or documents from the applicant, the Department determines that the applicant does not meet the requirements of this Section and Chapter; and
 - g. An applicant may appeal the Department's determination according to A.R.S. Title 41, Chapter 6.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

R9-33-104. License Renewal

- A.** A licensee shall submit to the Department a completed application for renewal of a license to operate a group home at least 60 days before the expiration date indicated on the license. An application shall contain the information in R9-33-103(A).
- B.** The Department shall renew a regular license to operate a group home:
 - 1. If, after conducting an onsite inspection, the Department determines that the licensee is in compliance with the applicable requirements in this Chapter; and
 - 2. According to the time-frames in R9-33-103(C).

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

R9-33-105. Changes Affecting a License

A licensee shall notify the Department in writing at least 30 days before the effective date of termination of:

- 1. Operation of a group home; or
- 2. A service provider contract with the Division.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

R9-33-106. Investigation of Complaints

- A.** Upon receipt of a complaint or if there is a reasonable cause to believe that a group home is not in compliance with the Department's applicable laws and rules, the Department shall:
 - 1. Investigate the complaint within 30 days of receipt of the complaint;
 - 2. Develop a written report that:
 - a. Indicates whether the complaint is substantiated;
 - b. Identifies the law or rule being violated, if applicable;
 - c. Contains a plan of correction, acceptable to the Department, for the correction of a deficiency; and
 - d. Contains the signature of the licensee, indicating that the licensee agrees to carry out the plan of correction;

Department of Health Services - Group Homes for Individuals Who are Developmentally Disabled

3. Provide the licensee with the written report in subsection (A)(2); and
 4. Notify the Division of the outcome of the investigation.
- B.** A licensee shall ensure that a deficiency listed on a plan of correction is corrected within 30 days from the date of the plan of correction.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

R9-33-107. Denial, Revocation, or Suspension of a License

- A.** The Department may deny an application or revoke or suspend a license to operate a group home if:
1. An applicant or licensee does not meet the application requirements contained in R9-33-103;
 2. A licensee is not a service provider;
 3. A licensee does not correct the deficiencies according to the plan of correction contained in R9-33-106 by the time stated in the plan of correction; or
 4. The nature or number of violations revealed by any type of inspection or investigation of a group home poses a direct risk to the life, health, or safety of a resident.
- B.** An applicant or licensee may appeal the Department's determination in subsection (A) according to A.R.S. Title 41, Chapter 6, Article 10.
- C.** The Department shall immediately notify the Division when an application is denied and when a license to operate a group home is suspended or revoked.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

ARTICLE 2. GROUP HOME REQUIREMENTS**R9-33-201. Emergency Procedures and Evacuation Drills**

- A.** A licensee shall ensure that a written plan for emergencies is developed and implemented. The plan shall be available and accessible to staff and each resident at the facility. The plan shall include:
1. Procedures for responding to a fire, emergency, and severe weather conditions that include:
 - a. Routes of evacuation, location of firefighting equipment, and evacuation devices identified on a floor plan of the facility;
 - b. Instructions on the use of fire alarm systems, firefighting equipment, and evacuation devices;
 - c. Procedures for evacuating each resident, including a resident who is not capable of self-preservation or who has a mobility, sensory, or other physical impairment; and
 - d. Procedures for notifying an emergency response team, law enforcement, and the licensee or the licensee's designee; and
 2. Procedures for when a resident is missing from the premises.
- B.** A licensee shall ensure that:
1. The facility's street address is posted and visible from the street; or
 2. The local emergency response team, such as the local fire department, is notified of the location of the facility in writing at least once every 12 months. The licensee shall make the written notification available for review at the facility for at least two years from the date of the notification.
- C.** A licensee shall ensure that:
1. An evacuation drill that includes all residents is conducted at least once every six months on each shift. The

licensee shall make documentation of an evacuation drill available for review at the facility for at least two years from the date of the evacuation drill that includes:

- a. The date and time of the evacuation drill;
 - b. The length of time to evacuate all residents from the facility;
 - c. A description of the evacuation drill; and
 - d. A corrective action plan, if the length of time to evacuate all residents from the facility exceeds three minutes;
2. All stairways, hallways, walkways, and other routes of evacuation are free of any obstacle that may prevent evacuation of a resident in an emergency;
 3. If a window or door contains locks, bars, grills, or other devices that obstruct evacuation, each device contains a release mechanism that is operable from the inside of the facility and that does not require the use of a key, special knowledge, or special effort; and
 4. Each facility contains a working telephone that is available and accessible to staff and each resident. The licensee shall post current telephone numbers by the telephone for:
 - a. 911 or other local emergency response team; and
 - b. The address of the group home.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

R9-33-202. Fire Safety Requirements

- A.** The Department shall issue to an applicant or a licensee:
1. A level 1 license if the group home meets the requirements in R9-33-202(B) through R9-33-202(F); and
 2. A level 2 license if the group home meets the requirements in R9-33-202(B) through R9-33-202(G).
- B.** A licensee shall ensure that the facility is in compliance with all applicable state and local fire safety regulations and that:
1. A fire inspection is conducted at least once every 12 months by the local fire department, the Department, or an entity authorized by the Department;
 2. Any repair or correction stated in the fire inspection report is made or corrected according to the requirements and time in the fire inspection report; and
 3. The fire inspection report is available for review at the facility for at least two years from the date of the inspection.
- C.** A licensee shall ensure that a working, portable, all-purpose fire extinguisher with at least a 2A-10-BC rating by the Underwriter's Laboratories as described in Publication 10 of the National Fire Code, incorporated by reference in A.A.C. R9-1-412, is installed and maintained in the facility as prescribed by the manufacturer or the fire authority having jurisdiction. A licensee shall ensure that a fire extinguisher is:
1. Serviced at least once every 12 months or as recommended by the manufacturer; and
 2. Tagged specifying:
 - a. The date of purchase or the date of recharging, whichever is more recent; and
 - b. The name of the organization performing the work, if applicable.
- D.** A licensee shall ensure that smoke detectors are:
1. Working;
 2. Capable of alerting all residents in the facility, including a resident with a mobility or sensory impairment;
 3. Installed according to the manufacturer's instructions; and
 4. Located in at least the following areas:

- a. Each bedroom;
 - b. Each room or hallway adjacent to a bedroom, except a bathroom or a laundry room; and
 - c. Each room or hallway adjacent to the kitchen, except a bathroom, a pantry, or a laundry room.
- E. A licensee shall ensure that each bedroom has at least one openable window or door to the outside for use as an emergency exit.
- F. A licensee shall ensure that:
 - 1. A usable fireplace is covered by a protective screen or covering at all times; and
 - 2. Combustible or flammable materials are not stored within three feet of a furnace, heater, or water heater.
- G. A licensee of a level 2 group home shall ensure that:
 - 1. The facility contains an emergency lighting system that:
 - a. Works without in-house electrical power;
 - b. Illuminates the path of evacuation;
 - c. Is inspected at least once every 12 months by the manufacturer or an entity that installs and repairs emergency lighting systems; and
 - 2. Documentation of an emergency lighting system inspection is available for Department review at the facility for two years from the date of the inspection and includes:
 - a. The date of the inspection;
 - b. The name of the entity performing the inspection;
 - c. A tag on the emergency lighting system or a written report of the results of the inspection; and
 - d. A description of any repairs made to the system as a result of the inspection; and
 - 3. The facility has one of the following:
 - a. At least two staff members on duty at the facility at all times and the facility has an early-warning fire detection system that:
 - i. Is hard-wired with battery back-up;
 - ii. Sounds every alarm in the facility when smoke is detected;
 - iii. Is installed in each bedroom, each room or each hallway adjacent to a bedroom, and each room or each hallway adjacent to the kitchen; and
 - iv. Is inspected at least once every 12 months by the manufacturer or by an entity that installs and repairs early-warning fire detection systems. The licensee shall make available the documentation of the inspection at the facility for review for at least two years from the date of the inspection and includes the information in subsection (G)(2); or
 - b. An automatic sprinkler system installed according to the applicable standard incorporated by reference in A.A.C. R9-1-412 and installed according to NFPA 13, NFPA 13R, or NFPA 13D, as applicable, that:
 - i. Covers every room in the facility; and
 - ii. Is inspected at least once every 12 months. The licensee shall make available the documentation of the inspection at the facility for review for at least two years from the date of the inspection and includes the information in subsection (G)(2).

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

R9-33-203. Safe and Functioning Systems

- A. A licensee shall ensure that:

- 1. A method of heating and cooling maintains the facility between 65° F and 85° F in areas of the facility occupied by residents;
 - 2. Ventilation is provided by an openable window, air conditioning, or other mechanical device;
 - 3. Working, safe appliances for cooling and cooking food are provided in the facility; and
 - 4. Hot water temperatures in the facility are maintained between 95° F and 120° F.
- B. A licensee shall ensure that:
- 1. Electrical lighting is contained in each room in the facility; and
 - 2. Electrical equipment in the facility is safe and in working order.
- C. A licensee shall ensure that:
- 1. A facility contains a safe, working plumbing and sewage system;
 - 2. If a non-municipal sewage system is used, the sewage system is in working order and free of visible leakage; and
 - 3. Water is standing only in an area designated to hold standing water.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

R9-33-204. Accessible and Usable Facilities

- A licensee shall ensure that:

- 1. A group home is in compliance with all applicable federal and state disability laws; and
- 2. If a group home has a resident with a mobility, sensory, or other physical impairment, the licensee shall ensure that documentation is available for review at the group home that:
 - a. Is provided by the Division; and
 - b. Identifies modifications, if any, needed to the premises to ensure that the premises is accessible to and usable by the resident; and
- 3. Modifications are made to the premises as identified by the Division in subsection (2).

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

R9-33-205. Clean and Sanitary Conditions

- A. A licensee shall ensure that a facility is free of accumulations of garbage or refuse, and garbage and refuse is:
- 1. Stored in cleanable containers or in sealable plastic bags; and
 - 2. Removed from the facility at least once every seven days.
- B. A licensee shall ensure that a facility is:
- 1. In good repair or has an on-going system to ensure repairs are made and that the facility does not contain a hazard;
 - 2. Clean so that a condition in the facility is not a hazard;
 - 3. Free of odors, such as urine or rotting food;
 - 4. Free of any object, equipment, or condition that may be a hazard; and
 - 5. Free of insects and rodents or has an on-going system to eliminate insects or rodents from the facility.

Historical Note

New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).

R9-33-206. Vehicle Safety

- A. A licensee shall ensure that a vehicle used to transport a resident:

Department of Health Services - Group Homes for Individuals Who are Developmentally Disabled

1. Is maintained in safe and working order;
 2. Has a record of each maintenance or repair that is available for review at the facility for at least two years from the date of the repair; and
 3. Is equipped with:
 - a. A working heating and air conditioning system;
 - b. A first aid kit that meets the requirements in R9-33-207(A)(8);
 - c. Working seat belts for the driver and each passenger; and
 - d. Floor mounted seat belts and wheel chair lock-down devices for each wheel chair passenger transported, if the vehicle is used to transport a passenger in a wheelchair.
- B.** A licensee shall ensure that documentation of the requirements in subsection (A) is completed at least once every six months on a vehicle used to transport a resident and that the documentation is available for review at the facility for at least two years from the date of the vehicle inspection.
- Historical Note**
New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).
- R9-33-207. Hazards and Dangers**
- A.** A licensee shall ensure that:
1. Ramps, stairs, or steps have slip-resistant surfaces;
 2. If handrails and grab bars are installed in a facility, handrails and grab bars are securely attached and stationary;
 3. There are no firearms or ammunition at the facility;
 4. The facility does not contain unprotected wells, ditches, or holes that an individual may step or fall into;
 5. Cleaning compounds and toxic substances are maintained in labeled containers and stored to prevent a hazard;
 6. Bathtubs and showers contain slip-resistant strips, rubber bath mats, or slip-resistant surfaces;
 7. Unused furniture, equipment, or devices are removed from the facility or maintained in a covered area on the premises that is designated by the licensee for storage; and
 8. A facility contains a first aid kit that has the following items in a quantity sufficient to meet the resident's needs:
 - a. Adhesive strip bandages;
 - b. Sterile, individually wrapped gauze squares;
 - c. Rolled gauze;
 - d. Adhesive tape;
 - e. Individually wrapped non-stick sterile pads;
 - f. A triangle bandage for use as a sling;
 - g. Disposable gloves;
 - h. Scissors;
 - i. Tweezers; and
 - j. A cardiopulmonary resuscitation mouth guard or mouth shield.
- B.** A licensee shall ensure that a private residential swimming pool meets the following requirements unless the Division provides to the Department, at the time of initial licensure and renewal, written documentation indicating that, based upon a determination by the Division, the private residential swimming pool is safe, based upon the functional level of the residents. A private residential swimming pool:
1. Is surrounded by a fence or enclosure that:
 - a. Is at least five feet high;
 - b. Is free of an opening that exceeds four inches. A chain link or wire mesh fence, other than chicken wire, may be used if the openings do not exceed 1 3/4 inches;
 - c. Is free of openings for handholds or footholds on the exterior of the fence or enclosure;
 - d. Is at least 20 inches from the edge of the private residential swimming pool; and
 - e. Has self-closing, self-latching gates that open out from the private residential swimming pool and that are locked when the private residential swimming pool is not in use;
 2. Is located at least 54 inches from the exterior wall of the facility to allow evacuation without entering the private residential swimming pool area; and
 3. Is not located in the path of an emergency exit.
- C.** A licensee shall ensure that a private residential swimming pool area contains water rescue items, including:
1. A shepherd's crook that is attached to its own pole; and
 2. A ring buoy with a rope attached. The rope is at least ten feet long plus the distance from the edge to the middle of the private residential swimming pool.
- D.** A licensee shall ensure that a spa:
1. Is enclosed by a fence described in subsection (B), if a resident is under the age of six; and
 2. That is not enclosed by a fence in subsection (B), is covered and locked to prevent access by a resident.
- Historical Note**
New Section made by final rulemaking at 8 A.A.R. 910, effective February 11, 2002 (Supp. 02-1).